

medium can be accessed;

generating present time data indicating a present time;

comparing the effective period stored on the storage medium with the present time to judge whether said present time falls within the effective period; and

requesting retrieval of content stored on the storage medium when said comparing determines that said present time falls within said effective period

### REMARKS

#### INTRODUCTION:

Claims 1-25 were pending.

Claims 1-25 were rejected under 35 U.S.C. § 103.

In accordance with the foregoing, these rejections are respectfully traversed, and claims 1-6 and 8-25 have been amended. No new matter has been added.

Claims 1-25 are pending and under consideration. Reconsideration is requested.

#### REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, at page 2, claims 1, 3, 6, 9, 10, 11, 12, 15, 16, 17, 18, 19 and 20-25 were rejected under 35 U.S.C. § 103 in view of U.S. Patent No. 5,613,109 to Yamauchi et al. ("Yamauchi") in view of U.S. Patent No. 5,175,716 to Min ("Min"), and claims 2, 4, 5, 7, 8, 13, and 14 were rejected under 35 U.S.C. § 103 in view of U.S. Patent No. 5,613,109 to Yamauchi et al. ("Yamauchi") in view of U.S. Patent No. 5,175,716 to Min ("Min") and further in view of U.S. Patent No. 4,450,535 to de Pommery et al. ("de Pommery"). These rejections are traversed and reconsideration is requested.

Claims 1-6 and 8-25 have been amended to show more clearly that the present invention teaches time-based access to data, i.e., only allowing access to data for specific time periods. Real time constraints specify the amount of time within which access to the stored data is allowed. It is respectfully submitted that the insertion of the terminology "effective" prior to the terminology "period" clarifies that access to the data is specifically limited to an effectual period, i.e., a limited time period that is predetermined.

It is respectfully submitted that Yamauchi teaches a data reproduction apparatus for successively reproducing, using a plurality of reproduction channels, a plurality of scene files composing stored data (including at least sound, still photographs, and texts) as per user's manipulation using a technique to reproduce secondary data while primary data (scene files) are being reproduced, wherein a plurality of element data of the secondary data are produced

at a desired frequency while data elements of the primary data are being reproduced. That is, Yamauchi teaches adding secondary data, such as advertising, at a desired frequency, to the primary data, such as scene files, so that the reproduction frequency of the secondary data (e.g., advertising) can be selected depending on the contents of the primary data (e.g., scene files) (see lines 35-56, col. 2 and lines 8-11, col. 11). Hence, Yamauchi teaches away from the present invention by teaching non-time based access to data such as primary data files and adding secondary data to the primary data. In contrast, the present invention teaches time-based access to data, i.e., only allowing access to data for specific time periods.

It is respectfully submitted that Min teaches using the velocity of the optical head to transform the number of tracks to be moved on a compact disk to a value of time in order to locate a target track without track-counting. That is, in Min, time is used in the equation for the relationship  $\text{distance} = \text{rate} \times \text{time}$ , wherein time is used to determine the distance (i.e., number of tracks) that the optical head moves over a particular period of time. Thus, Min teaches conversion of a number representing a number of tracks to be counted to move an optical head to a desired location to a time value based on the velocity that the optical head moves. The time value taught by Min is a travel time for the optical head. Since the time value taught by Min represents the time the optical head must travel to reach a desired track, Min fails to teach a real time constraint applied to establish a time period during which data is allowed to be accessed, as is taught by the present invention.

For clarity, independent claims 1, 9, 10, 12, 15, 16, 17, 18, 19 and 20-25 have been amended to add the terminology "effective" immediately prior to the term "period" to elucidate the fact that the present claimed invention sets forth a time period during which data may be accessed. Similarly, the term "effective" was added immediately prior to the term "period" for dependent claims 3 and 11. The term "effective" was already present in dependent claim 6.

Hence, it is respectfully submitted that claims 1, 3, 6, 9, 10, 11, 12, 15, 16, 17, 18, 19 and 20-25 are not obvious and are distinguished from the art cited by teaching the access of data only during a predetermined time period. Thus, claims 1, 3, 6, 9, 10, 11, 12, 15, 16, 17, 18, 19 and 20-25 are submitted to be allowable under 35 U.S.C. § 103 in view of Yamauchi in view of Min, which both teach away from the present claimed invention.

Further, it is respectfully submitted that de Pommeroy teaches using a random number generator to generate a resultant, a secret code and an identification number for each set of data, wherein the resultant, secret code and identification number are used to allow or deny access to the set of data. Hence, de Pommeroy fails to teach using a real time constraint

applied to establish a time period during which data is allowed to be accessed, as is taught by the present claimed invention.

As explained for other independent claims above, independent claims 4, 13 and 14 have been amended to add the terminology "effective" immediately prior to the term "period" to elucidate the fact that the present claimed invention sets forth a time period during which data may be accessed. Since claim 2 depends from amended claim 1, claim 2 incorporates the limitation that data may only be accessed for a predetermined time period. Since claim 7 depends from claim 2, claim 7 also incorporates the limitation of amended claim 1. In addition, claim 8 was amended to include the terminology "effective" as described above and also depends from amended claim 4, which incorporates the limitation that data may only be accessed for a predetermined time period.

Hence, it is respectfully submitted that claims 2, 4, 5, 7, 8, 13, and 14 are not obvious under 35 U.S.C. § 103 in view of Yamauchi, in view of Min, and further in view of de Pommery).

The courts have held that the Examiner may not suggest modifying references using the present invention as a template absent a suggestion of the desirability of the modification in the prior art. *In re Fitch*, 23 U.S.P.Q.2d 1780, Fed Cir. 1992. The Examiner asserts that the combination of Yamaguchi and Min would have been obvious because "such modification would detect the number of tracks (or store data) moved." However, it is submitted that there is no teaching or suggestion of combining of the three patents. Yamauchi teaches insertion of secondary data into a set of primary data. One could not do this by simply moving a particular number of tracks (using Min), since, for example, an advertisement (secondary data) might be placed in the middle of primary data inappropriately, defeating the purpose of the advertisement. Instead, Yamauchi teaches placement of the secondary data in a fashion that coordinates with the primary data. Hence, Yamauchi and Min cannot be combined to provide the present invention. Since de Pommery teaches use of a secret code and identification number to access data, de Pommery does not combine with Yamauchi and Min to teach only allowing access to data for a predetermined period of time as is taught by the present invention.

Thus, it is respectfully submitted that amended claims 1-25 are allowable under 35 U.S.C. § 103 in view of U.S. Patent No. 5,613,109 to Yamauchi et al. ("Yamauchi") in view of U.S. Patent No. 5,175,716 to Min ("Min") and further in view of U.S. Patent No. 4,450,535 to de Pommery et al. (de Pommery). Hence, it is respectfully asserted that, in view of the

amendment of claims 1-6 and 8-25, the pending claims 1-25 are in allowable form.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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## VERSION WITH MARKING TO SHOW CHANGES MADE



## IN THE CLAIMS:

Not all of the claims are amended below (claim 7 is unamended). Nevertheless, for the convenience of the Examiner, all of the pending claims are reproduced below:

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**GROUP 3600**

1. (FIVE TIMES AMENDED) A terminal comprising:  
a period reader reading an effective period stored on an individual self contained computer readable content medium, the content medium indicating [a] the effective period of time during which a content on the content medium can be served;  
a present time data generator generating present time data indicating a present time;  
a comparator comparing the effective period of time with the present time; and  
a requestor for submitting a request when said comparator judges that the present time falls within the effective period of time, to a center for obtaining use of the content.

2. (FOUR TIMES AMENDED) A terminal according to claim 1, further comprising: a single medium, forming the content medium, storing a plurality of locked contents, each locked content provided with a locked content effective period thereof; and  
a key receiver for receiving a key for unlocking the locked content.

3. (THREE TIMES AMENDED) A terminal according to claim 1, wherein said server submits a request to a center when the present time falls within the effective period of time.

4. (FIVE TIMES AMENDED) A sales system comprising:  
a terminal comprising:  
a period reader reading an effective period stored on a self contained independent computer readable content medium indicating [a] the effective period of time during which a content can be served by submitting a request to a center;  
a present time generator for generating present time data indicating a present time;  
a comparator comparing the effective period of time with the present time; and  
a requestor submitting a request to a center for obtaining use of the content when said comparator judges that the present time falls within the effective period of time; and  
the center comprising:

a key supplier supplying said terminal with a key for unlocking the content when the present time falls within the effective period of time.

5. (THREE TIMES AMENDED) A sales system according to claim 4, wherein said center further comprises a database registered with the effective period of the content.

6. (FOUR TIMES AMENDED) A terminal according to claim 1, wherein said terminal further comprises a second comparator comparing an effective period of time with the present time and determining whether the present time is within the effective period of time.

7. (AS TWICE AMENDED) A terminal according to claim 2, wherein said terminal further comprises:

- a disk for storing the contents; and
- an installer installing a loader for the content.

8. (THREE TIMES AMENDED) A sales system according to claim 4, further comprising:  
a period data changer changing period data indicating a serving period of the contents;  
and  
wherein said terminal further comprising:  
a second comparator comparing [an] the effective period of time with the [present time] serving period and determining whether the [present time] serving period lies within the effective period of time.

9. (SIX TIMES AMENDED) A self contained computer readable storage medium which contains content, an effective [interval] period concerning the content, and a program executed by a computer,

wherein said program:

- reads the effective period;
- generates present time data indicating a present time;
- compares the effective period with the present time;
- judges that the present time data falls within said effective period or falls outside the effective period; and
- requests to a center for obtaining use of the content when the present time falls

within said effective period.

10. (FOUR TIMES AMENDED) A self contained computer readable storage medium including both content and an effective [interval] period concerning the content, the storage device is accessed by a computer,

wherein said computer:

reads the effective period;

generates present time data indicating a present time;

compares the effective period with the present time;

judges that the present time data falls within the effective period or falls outside of said effective period; and

allows access to the content if the judging determines the present time data falls within said effective period.

11. (THREE TIMES AMENDED) A storage device according to claim 9, wherein the effective period is written as single terminal data indicating starting or ending time interval.

12. (FIVE TIMES AMENDED) A self-contained computer-readable medium encoded with a computer program which performs the following functions:

reads an effective [interval] period, stored on the computer-readable medium, indicating a period of time during which content on the disk can be served;

generates present time data indicating a present time;

compares the effective period with the present time;

judges that the present time falls within the effective period or falls outside of said effective period; and

a requestor for submitting a request for the content if the judging determines the present time data falls within said effective period, to a center for obtaining use of the content.

13. (SIX TIMES AMENDED) A terminal comprising:

a reading device which reads an effective [interval] period, stored on a self contained computer readable content medium indicating [a] the effective period of time during which content stored on the content medium can be served;

a clock for indicating a present time;

a comparator which determines if the present time falls within the effective period of

time; and

a requestor for submitting a request for the content on the content medium when the comparator determines that the present time falls within the effective period of time, to a center for obtaining use of the content.

14. (THREE TIMES AMENDED) A sales system comprising:

a self contained independent computer readable content medium storing a locked content and an effective [interval] period for the locked content;

a center which provides a key to unlock the locked content when a present time falls within the effective period;

15. (SIX TIMES AMENDED) A method for ascertaining a sales period exists, said method comprising:

reading an effective [interval] period stored on a self contained independent computer readable medium indicating a serving period of time;

generating present time data indicating a present time;

comparing the effective period stored on the medium with the present time to judge whether said present time falls within the effective period of time; and

requests to a center for obtaining the content when the comparing determines that the present time falls within the effective period of time.

16. (FOUR TIMES AMENDED) A storage device readable by a computer comprising:

a storer storing a content on a self contained independent computer readable storage medium, the medium including an effective [interval] period concerning the content and a program executed by the computer, wherein said program:

reads the effective period;

generates present time data indicating a present time;

compares the effective period with the present time;

an accessor accessing said program; and

a requestor for submitting a request when the effective period is compared with the present time and it is determined that the present time falls within said effective period, the request made to a center for obtaining use of the content..



17. (FIVE TIMES AMENDED) A self contained independent computer readable storage medium comprising:

- a content stored on the medium assessable by a user via a computer;
- period data stored with the content on the medium indicating an effective [interval] period of time during which the content can be accessed by the user;
- a program which causes the computer to refuse access to the content by the user if a present date falls outside of the effective period of time indicated by the period data; and
- a requesting unit for submitting a request when said program does not cause the computer to refuse access to the content, the request submitted to a center for obtaining use of the content.

18. (FOUR TIMES AMENDED) A computer-readable storage medium encoded with a computer program which performs the following operations:

- reads [a] an effective period, stored on a disk, indicating the effective [an interval] period of time during which a content on the disk can be served;
- generates present time data indicating a present time;
- compares the effective period with the present time; and
- transforms a result of said comparison to data reflecting that a user is allowed to utilize the content, when the present time falls within the effective period; and
- requests to a center for obtaining use of the content when said comparing step determines that said present time falls within said effective period.

19. (FIVE TIMES AMENDED) A method for ascertaining a sales period exists, said method comprising:

- reading [a] an effective period stored on a self contained computer readable storage medium indicating an [interval] effective period of time;
- generating present time data indicating a present time;
- comparing the period stored on the medium with the present time to judge whether said present time falls within the effective period; and
- requesting to a center for obtaining use of content stored on the medium storing the effective period to a storage medium when said comparing determines that said present time falls within said effective period.

20. (THREE TIMES AMENDED) A terminal comprising:

a period reader reading [a] an effective period stored on a self contained independent content medium indicating [a] the effective period of time during which a content stored directly on the content medium released to end users can be served;

a present time data generator generating present time data indicating a present time;

a comparator comparing the effective period of time with the present time; and

a requestor for submitting a request for the content when said comparator judges that the present time falls within the effective period of time.

21. (TWICE AMENDED) A terminal comprising:

a period reader reading [a] an effective period stored on a self contained independent content medium indicating [a] the effective period of time during which a content stored directly on the content medium can be served;

a present time data generator generating present time data indicating a present time;

a comparator comparing the effective period of time with the present time; and

a requesting unit requesting a service of the content when said comparator judges that the present time falls within the effective period of time.

22. (THREE TIMES AMENDED) An independent self contained computer readable storage medium released to end users which contains content, an [interval] effective period concerning the content, and a program executed by a computer, wherein said program:

reads the effective period directly from the storage medium;

generates present time data indicating a present time;

compares the effective period with the present time;

judges that the present time data falls within said effective period or falls outside the effective period; and

requests to a center for obtaining use of the content if the judging judges that the present time falls within said effective period.

23. (TWICE AMENDED) A self contained computer readable storage medium readable by a computer comprising:

a storer storing a content on the medium including an [interval] effective period concerning the content and a program executed by the computer, wherein said program:

reads the effective period;

generates present time data indicating a present time; and  
compares the effective period with the present time;  
an accessor accessing said program; and  
a requesting unit requesting service of the content when the effective period is compared with the present time and it is determined that the present time falls within said period.

24. (TWICE AMENDED) A computer-readable storage medium encoded with a computer program which performs the following operations:  
reads [a] an effective period, stored on a disk, indicating [an interval] the effective period of time during which a content on the disk can be served;  
generates present time data indicating a present time;  
compares the effective period with the present time; and  
transforms a result of said comparison to data reflecting that a user is allowed to utilize the content, when the present time falls within the effective period; and  
requests the content when said comparing step determines that said present time falls within said effective period.

25. (TWICE AMENDED) A method for ascertaining whether a sales period exists, said method comprising:  
reading [a] an effective period stored on a self contained computer readable storage medium indicating [an interval] the effective period of time during which the computer readable storage medium can be accessed;  
generating present time data indicating a present time;  
comparing the effective period stored on the storage medium with the present time to judge whether said present time falls within the effective period; and  
requesting retrieval of content stored on the storage medium when said comparing determines that said present time falls within said effective period.